IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (LODGING) NO.1424 OF 2005

Nemchand Maniram Rathod ....Petitioner

Versus

Union of India & Ors. ....Respondents

Mr.V. Mishra i/b M/s.V. Mishra & Co. for the Petitioner.
Mr.Ravi Shetty with Mr.Y. R. Mishra for the Respondent.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 21ST JULY, 2005.

P.C. :

The Petitioner joined Central Industrial Security Force (for short C. I. S. F.) as a constable on 15th October, 1982. The Petitioner was suspended on 25.8.1998 because he was found sleeping in a drunken condition on duty. Nine charges have been framed against the Petitioner.

2. The article of charge 1 indicates that on 24th August,1998 when he was detained for 'C' shift duty at Gaurav Control room, he was found sleeping. This charge stands proved by the statements of

P.W. Nos.1, 2, 5 and 8 who clearly mentioned that on reaching Gaurav Control room, the Petitioner was found sleeping that, too, along with his pillow and bedsheets which clearly indicates that with the full intention and preparation, the Petitioner had gone to the work place for sleeping.

3. Article of charge 2 says that on 24th August, 1998 while on duty, the Petitioner had consumed alcohol. Blood tests were conducted and this charge is proved by a report of blood test also. It may be pertinent to note that the track record of the Petitioner has also been very bad. He was awarded ten punishments on earlier occasions but he never learnt from his mistakes. A detailed and comprehensive inquiry was conducted and on the basis of the entire material on record, the Petitioner was awarded punishment of removal from the service.

4. The Petitioner preferred an Appeal under Section 9 of the Central Industrial Security Force (for short, C. I. S. F.) Act, 1968. It is mentioned in the appellate order that as per the procedure, a copy of inquiry report was served upon the charged official by the Disciplinary Authority. The Petitioner has submitted his representation against the

inquiry report.

5. The learned inquiry officer in his order clearly mentioned that he has examined the inquiry report with the relevant documents on record and came to the clear conclusion that the departmental inquiry proceedings have been rightly conducted according to the laid down procedure. The Appellate Authority also mentioned that the Petitioner has been afforded ample opportunity to come forward with evidence to disprove the charges levelled against him during the course of departmental inquiry but the Petitioner could not produce any evidence to disprove the charges levelled against him. After hearing the learned counsel for the Petitioner, the Appellate Authority came to clear conclusion that there were no legal infirmities in the inquiry proceedings. The Appellate Authority clearly came to the conclusion that the charge of consumption of liquor on duty is clearly established.

6. The Appellate Authority also mentioned that the Petitioner was found sleeping on duty. Thus the charges are of serious nature particularly for the officials who were working with the Air force. According to the Appellate Authority, in view of the gravity of proven

misconduct, the Petitioner is not fit for retention in a disciplined Armed Force of Union of India like C. I. S. F.

7. The Petitioner aggrieved by the order of the Appellate Authority filed a Review Petition under Section 49 of the C. I. S. F. Act, 1969. The Revisional Authority examined the entire material in detail. The Revisional Authority confirmed the finding of the Appellate Authority.

8. The Petitioner has now preferred a Writ Petition under Article 226 of the Constitution of India against the revisional order. We have heard the learned counsel appearing for the Petitioner. We have also closely examined the charges which were levelled against the Petitioner and the findings of the Appellate Authority and the order of the Revisional Authority.

9. The learned counsel for the Petitioner has not been able to make out any case for interference. The Petitioner has also failed to point out any infirmity in the entire procedure. Admittedly the inquiry has been conducted in consonance with the principle of natural justice. Looking to the gravity of the charges which have been proved, no interference is called for and the Petition being devoid of

any merits, is accordingly dismissed.

CHIEF JUSTICE

S.J. VAZIFDAR, J.